

LAND PURCHASE (IRELAND).

RETURN to an Order of the Honourable the House of Commons,
dated March 25, 1903 ;—for a

“RETURN of the Resolutions and Statement adopted by the Irish Landowners' Convention on the 10th day of October, 1902 ; and Report of the Irish Land Conference, dated 3rd day of January, 1903 ; and Minute on the Land Conference Report, adopted on the 7th day of January, 1903, by the Executive Committee of the Irish Landowners' Convention.”

(*Mr. Wyndham.*)



Ordered, by THE HOUSE OF COMMONS, to be printed,
March 25, 1903.

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1903.

RESOLUTIONS AND STATEMENT

ON THE

IRISH LAND PURCHASE QUESTION.

ADOPTED BY THE IRISH LANDOWNERS' CONVENTION,
ON 10TH OCTOBER, 1902.

RESOLUTIONS.

I.

That it appears to the Convention desirable, at the present time, to set forth generally the conditions on which they believe that the Irish Land Purchase Question could be effectively dealt with. They do so for the following reasons :—

REASONS.

- (1.) That the Government have shown themselves unwilling to grant the landlords' claims to compensation (the justice of which the Convention still maintains) for the grave injuries inflicted on them by past Legislation ;
- (2.) That the Government have refused to give effect to the chief Recommendations of the Fry Commission ;
- (3.) That the Government have shown no favour to other suggested solutions, such as the fixing-down of rents ;
- (4.) That the landlords who have not hitherto sold are, as a body, resolved not to part with their estates on terms under which, in addition to the loss already incurred, their present incomes would be substantially reduced ;
- (5.) That the Government have professed their readiness to deal with the Irish Land question, and have twice announced a Land Purchase Bill in the speech from the Throne.

CONDITIONS.

- (a.) That the change—which is not of the landlords' seeking—should be carried through without expense and additional loss to them ;
- (b.) That to make this possible, on terms acceptable to the tenants, the amount of the Purchase Instalment should be reduced from 4 per cent. to 3½ per cent. or to such rate as would secure the maintenance of an annuity, decreasing by fixed amounts at fixed periods ;
- (c.) That the foregoing, and all privileges provided by Mr. Wyndham's present Bill in the cases of sales to Estates' Commissioners, should be extended to cases of sales by direct agreements between landlords and tenants ;
- (d.) That when a landlord and tenant have agreed upon a price, the amount should be advanced, provided the initial instalment does not exceed the rent ;
- (e.) That the sum of £10,000, in Clause 4 (2) (b) of the Chief Secretary's Bill should be increased to £20,000, and the limitation to one-fifth of the purchase-money removed ;

- (f.) That the Acts should be administered, generally, in a spirit of encouragement to Vendors;
- (g.) That the interests of the present Land Agents should be fairly considered, as part of the expenses of carrying out the Acts.

II.

That the Convention strongly urge that, as the rent-fixing system competes with Land Purchase, it is advisable that provision should be made, in any Bill dealing with Purchase, whereby the onus would lie upon the person who goes into Court after a date named to show what circumstances have arisen on account of which the rent should be varied.

III.

That the Convention approve of the Statement on the Irish Land Purchase Question adopted by their Executive Committee on 3rd October, 1902.

STATEMENT

Adopted by the Executive Committee, on Friday, 3rd October, 1902, and by the Irish Landowners' Convention, on Friday, 10th October, 1902.

1. His Majesty's Government have not seen their way to take any steps to meet the just claims of Irish Landowners for compensation for the loss and damage inflicted on them by the Land Acts of 1881 and subsequent years, and by the mode in which they have been administered; nor to render the operation of those Acts more tolerable by giving legislative effect to the Recommendations of the Fry Commission.

2. The Government have decided to promote the settlement of the Irish Land Question by providing further facilities for the transfer of the ownership of tenanted land in Ireland to the occupier, by voluntary sale and purchase, with the assistance of Treasury advances.

3. This is a policy which has been supported by the Irish Landowners' Convention since its foundation. Some of the most important provisions of the Irish Land Purchase Acts embody recommendations made by the Convention at various times.

4. The provisions of the Bill now before Parliament do not meet the necessities of the position described in paragraphs 8 to 32 of the Sixteenth Report of the Executive Committee (dated 11th April, 1901), and subsequently by the Chief Secretary in the House of Commons on 25th March, 1902, when he said:—

Sit. Hon. G. Wyndham, Mar. 25, 1902; Parl. Debates, vol. 105, p. 1035.—I believe we have got—at all events that we are getting—to the end of the landlords who are prepared to sell for a capital sum which can be advanced under the existing law. Those who have sold belong chiefly to three classes—either they are landlords who have other sources of income, and other interests, often in this country (England), or they are landlords who were tempted to sell by the premium on land stock during 1897-99 inclusive, or, in the third place, they are landlords who have been forced to sell because they were embarrassed, and their creditors urged them to take that course. The remainder are prevented from selling because they cannot afford to do it.

5. Solvent landowners who have not parted with their estates cannot and will not part with them at such rates of purchase as seem practicable under the financial provisions of this Bill.

6. Solvent landlords cannot reasonably be expected to fall in with the policy of the Government as regards the general voluntary transfer of tenanted land—

- (1.) Unless they are paid a price which, invested at 3 per cent., will yield an income approximately equal to their present net income ;
- (2.) Unless provision is made for freeing the vendor from the whole cost of clearing and registering title, not only for the purpose of enabling the estate to be sold, but for that of apportioning and distributing the purchase money ;
- (3.) Unless the foregoing, and the privileges provided by Mr. Wyndham's present Bill in the cases of sales to Estates Commissioners, be extended to cases of sales by direct agreements between landlords and tenants ;
- (4.) Unless it be provided that, when a landlord and tenant have agreed upon a price, the amount shall be advanced, provided the initial instalment does not exceed the rent ;
- (5.) Unless the privilege of purchasing "any parcel of the estate or untenanted land" by the owner be enlarged, and advances for the purpose sanctioned up to at least £20,000 ; and the limitation to one-fifth of the purchase-money be removed ;
- (6.) Unless the Acts be administered, generally, in a spirit of encouragement to Vendors.

7. If a Land Purchase Measure is to be generally effective, all these points must be attended to.

8. As regards the largest of them—the rate of purchase—the chief difficulty arises from the tenants having been taught to expect that, in becoming owners of the landlord's estate, not only should they make no additional payment, but that the annual purchase instalment should be less than the existing rent.

9. That landlords should be asked, not only to sever their connection with estates to which they are naturally attached by many ties, but to agree to further losses of income, in addition to those already inflicted upon them by past unsuccessful Parliamentary efforts to settle the Irish Land Question, is neither just nor practicable.

10. The landlords who have not yet sold will in almost every case prefer to hold on to their estates, rather than part with them on terms involving further certain loss.

11. If Government and Parliament mean business in this matter they must deal with it in a businesslike manner, by a more liberal use of the great asset at their disposal—the credit of the British Exchequer.

12. The rate of interest charged for advances for land purchase was reduced at various periods between the Church Act of 1869 and the Land Act of 1896.

13. Instead of reversing this process, as is proposed in the financial clauses of the Bill now before Parliament, it must be pushed further, and a rate of interest charged on advances which would enable an annuity to be adopted commencing at 3½ per cent., with periodical reductions.

14. This would render it possible to make advances on terms which would give the landlord a price at which he could afford to sell.

15. While most Irish landlords would part with their estates with great reluctance, we believe few would be found to stand in the way of any reasonable attempt to ameliorate the situation which has resulted from the working of

the Act of 1881, or of the acquisition by the occupying tenants of the proprietary rights, and the freedom from uncertainty and litigation which they desire, if the terms above indicated are assured to them.

16. If the matter is to be dealt with on these lines, the necessary steps should be taken at once, and the measure already promised in two King's Speeches be put into an effective shape, and postponed to no other measure whatever in the next Session of Parliament.

17. The Convention strongly urge that, as the rent-fixing system competes with Land Purchase, it is advisable that provision should be made, in any Bill dealing with Purchase, whereby the onus would lie upon the person who goes into Court after a date named to show what circumstances have arisen on account of which the rent should be varied.

THE IRISH LAND CONFERENCE.

WHEREAS it is expedient that the Land Question in Ireland be settled so far as it is practicable and without delay;

And whereas the existing position of the Land Question is adverse to the improvement of the soil of Ireland, leads to unending controversies and lawsuits between owners and occupiers, retards progress in the country, and constitutes a grave danger to the State;

And whereas an opportunity of settling once for all the differences between owners and occupiers in Ireland is very desirable;

And whereas such settlement can only be effected upon the basis mutually satisfactory to the owners and occupiers of the land;

And whereas certain representatives of owners and occupiers have been desirous of endeavouring to find such basis and for that purpose have met in conference together;

And whereas certain particulars of agreement have been formulated, discussed, and passed at the Conference, and it is desirable that the same should be put into writing and submitted to His Majesty's Government.

After consideration and discussion of various schemes submitted to the Conference we are agreed:—

I. That the only satisfactory settlement of the Land Question is to be effected by the substitution of an occupying proprietary in lieu of the existing system of dual ownership.

II. That the process of direct interference by the State in purchase and re-sale is, in general, tedious and unsatisfactory, and that therefore, except in cases where at least half the occupiers or the owner so desire, and except in districts included in the operations of the Congested Districts Board, the settlement should be made between owner and occupier, subject to the necessary investigation by the State as to title, rental and security.

III. That it is desirable in the interests of Ireland, that the present owners of land should not as a result of any settlement be expatriated, or having received payment for their land, should find no object for remaining in Ireland, and that, as the effect of a far-reaching settlement must necessarily be to cause the sale of tenancies throughout the whole of Ireland, inducements should, wherever practicable, be afforded to selling owners to continue to reside in that country.

IV. That for the purpose of obtaining such a result an equitable price ought to be paid to the owners, which should be based upon income.

Income as it appears to us is second-term rents, including all rents fixed subsequent to the passing of the Act of 1896, or their fair equivalent.

V. That the purchase price should be based upon income as indicated above, and should be either the assurance by the State of such income or the payment of a capital sum producing such income at 3 per cent., or at $8\frac{1}{2}$ per cent., if guaranteed by the State, or if the existing powers of trustees be sufficiently enlarged.

Costs of collection, where such exist, not exceeding 10 per cent., are not included for the purpose of these paragraphs in the word "income."

VI. That such income or capital sum should be obtainable by the owners—

- (a.) Without the requirement of capital outlay upon their part, such as would be involved by charges for proving title to sell, six years' possession as proposed in the Bill brought forward in the Session of 1902 appears to us a satisfactory method of dealing with the matter;
- (b.) Without the requirement of outlay to prove title to receive the purchase money;
- (c.) Without unreasonable delay;
- (d.) Without loss of income pending re-investment;
- (e.) And without leaving portion of the capital sum as a guarantee deposit.

VII. That as a necessary inducement to selling owners to continue to reside in Ireland, the provision in the Bill introduced by the Chief Secretary for Ireland in the Session of 1902 with regard to the purchase of mansion houses, demesne lands, and home farms by the State, and re-sale by it to the owners, ought to be extended.

VIII. We suggest that in certain cases it would be to the advantage of the State as ensuring more adequate security, and also an advantage to owners in such cases if, upon the purchase by the State of the mansion-house and demesne land, and re-sale to the owner, the house and demesne land should not be considered a security to the mortgagees.

IX. That owners wishing to sell portions of grazing land in their own hands for the purpose of enlarging neighbouring tenancies should be entitled to make an agreement with the tenants, and that in the event of proposed purchase by the tenants such grazing land may be considered as part of the tenancies for the purpose of purchase.

X. That in addition to the income, or capital sum producing the income, the sum due for rent from the last rent day till the date of the agreement for purchase and the hanging gale should be paid by the State to the owner.

XI. That all liabilities by the owner which run with the land, such as head rents, quit rents, and tithe rent-charge, should be redeemed, and the capital sum paid for such redemption deducted from the purchase-money payable to the owner. Provided always that the price of redemption should be calculated on a basis not higher as regards annual value than is used in calculating the purchase price of the estate. In any special cases where it may have to be calculated upon a different basis the owner should not suffer thereby.

Owners liable to drainage charges should be entitled to redeem same upon equitable terms, having regard to the varying rates of interest at which such loans were made.

XII. That the amount of the purchase-money payable by the tenants should be extended over a series of years, and be at such a rate in respect of principal and interest as will at once secure a reduction of not less than 15 per cent., or more than 25 per cent. on second term rents or their fair equivalent, with further periodical reductions as under existing Land Purchase Acts, until such time as the Treasury is satisfied that the loan has been repaid. This may involve some assistance from the State beyond the use of its credit, which, under circumstances hereinafter mentioned,

we consider may reasonably be granted. Facilities should be provided for the redemption at any time of the purchase-money, or part thereof, by payment of the capital, or any part thereof.

XIII. That the hanging gale, where such custom exists, should be included in the loan, and paid off in the instalments to be paid by the purchasing occupier, and should not be a debt immediately recoverable from the occupier, but the amount of rent ordinarily payable for the period between the date when the last payment fell due, and the date of agreement for sale should be payable as part of the first instalment.

XIV. That counties wholly or partly under the operations of the Congested Districts Board or other districts of a similar character (as defined by the Congested Districts Board Acts and by Section 4 Clause 1 of Mr. Wyndham's Land Purchase Amendment Bill of last Session) will require separate and exceptional treatment with a view to the better distribution of the population and of the land, as well as for the acceleration and extension of those projects for migration and enlargement of holdings which the Congested Districts Board, as at present constituted, and with its limited powers, has hitherto found it impossible to carry out upon an adequate scale.

XV. That any project for the solution of the Irish Land Question should be accompanied by a settlement of the evicted tenants question upon an equitable basis.

XVI. That sporting and riparian rights should remain as they are, subject to any provisions of existing Land Purchase Acts.

XVII. That the failure to enforce the Labourers Acts in certain portions of the country constitutes a serious grievance, and that in districts where, in the opinion of the Local Government Board, sufficient accommodation has not been made for the housing of the labouring classes, power should be given to the Local Government Board, in conjunction with the local authorities, to acquire sites for houses and allotments.

XVIII. That the principle of restriction upon sub-letting might be extended to such control as may be practicable over resales of purchasers' interest and mortgages, with a view to maintaining unimpaired the value of the State's security for outstanding instalments on loans.

And whereas we are agreed that no settlement can give peace and contentment to Ireland, or afford reasonable and fair opportunity for the development of the resources of the country, which fails to satisfy the just claims of both owners and occupiers;

And whereas such settlement can only be effected by the assistance of the State, which as a principle has been employed in former years;

And whereas it appears to us that, for the healing of differences and the welfare of the country, such assistance should be given, and can be given, and can effect a settlement without either undue cost to the Treasury or appreciable risk with regard to the money advanced, we are of opinion that any reasonable difference arising between the sum advanced by the State and ultimately repaid to it may be justified by the following considerations:—

That for the future welfare of Ireland, and for the smooth working of any measure dealing with the transfer of land, it is necessary—

1.—That the occupiers should be started on their new career as owners on a fair and favourable basis, ensuring reasonable chances of success, and that in view of the responsibilities to be assumed by them, they should receive some inducement to purchase.

2.—That the owners should receive some recognition of the facts that selling may involve sacrifice of sentiment, that they have already suffered heavily by the operations of the Land Acts, and that they should receive some inducements to sell.

3.—That for the benefit of the whole community it is of the greatest importance that income derived from sale of property in Ireland should continue to be expended in Ireland.

And we further submit that, as a legitimate set off against any demand upon the State, it must be borne in mind that upon the settlement of the Land Question in Ireland, the cost of administration, and of law, and the cost of the Royal Irish Constabulary, would be materially and permanently lessened.

We do not, at the present time, desire to offer further recommendations upon the subject of finance, which must necessarily be regulated by the approval of the Government to the principles of the proposals above formulated, except that, in our opinion, the principle of reduction of the sinking fund in the event of loss to the State by an increase in the value of money, should be extended by the inclusion of the principle of increase of the sinking fund in favour of the purchasers in the event of gain to the State by decrease in the value of money.

Inasmuch as one of the main conditions of success in reference to any Land Purchase Scheme must be its prompt application and the avoidance of those complicated investigations and legal delays which have hitherto clogged all legislative proposals for settling the relations between Irish landlords and tenants, we deem it of urgent importance that no protracted period of time should ensue before a settlement based upon the above-mentioned principles is carried out, that the executive machinery should be effective, competent, and speedy, and that investigations conducted by it should not entail cost upon owner or occupier; and, as a farther inducement to despatch, we suggest that any State aid apart from loans which may be required for carrying out a scheme of Land Purchase as herein proposed should be limited to transactions initiated within five years after the passing of the Act.

We wish to place on record our belief that an unexampled opportunity is at the present moment afforded His Majesty's Government of effecting a reconciliation of classes in Ireland upon terms which, as we believe, involve no permanent increase of Imperial expenditure in Ireland; and that there would be found on all sides an earnest desire to co-operate with the Government in securing the success of a Land Purchase Bill which, by effectively and rapidly carrying out the principles above indicated, would bring peace and prosperity to the country.

Signed at the Mansion House, Dublin, this 3rd day of January, 1903.

DUNRAVEN, *Chairman*.
MAYO.
W. H. HUTCHESON POE.
NUGENT T. EVERARD.

JOHN REDMOND.
WILLIAM O'BRIEN.
T. W. RUSSELL.
T. C. HARRINGTON.

Minute on the Land Conference Report, adopted on 7th January, 1903, by the Executive Committee of the Irish Landowners' Convention.

A Meeting of the Executive Committee of the Irish Landowners' Convention was held at their Offices, 4, Kildare-street, Dublin, on 7th January, 1903. The following were present:—

Sir Thomas P. Butler, Bart., D.L., in the chair; His Grace the Duke of Abercorn, K.G.; Mr. W. E. Scott, D.L.; Mr. H. de F. Montgomery, D.L.; Mr. David Sherlock, D.L.; Lord Inchiquin; Right Hon. Henry Bruen; Earl

of Westmeath; Mr. James Wilson, D.L.; Lord Clonbrock, K.P.; Lord Barrymore; Right Hon. O'Connor Don; Lord Cloncurry; Dr. Traill, S.F., T.C.D.; Mr. Toler R. Garvey; Mr. W. T. Kirkpatrick; Mr. Robert M. D. Sanders; Earl of Drogheda; and Mr. G. de L. Willis, Secretary.

The following Minute on the subject of the Report of the Irish Land Conference was proposed by His Grace the Duke of Abercorn, seconded by Right Hon. The O'Connor Don, and was unanimously adopted:—

MINUTE.

We have had under consideration the published Report of the Irish Land Conference, recently held at the Mansion House, Dublin. We recognise the Report as a valuable addition to the various suggestions that have been made for removing the grave difficulties of the Irish Land Question, by bringing the Land Purchase Acts into more general operation on the Voluntary principle. We observe that its proposals, so far as they relate to the landlords, are to a great extent identical with those adopted by the Irish Landowners' Convention on October 10, 1902, and therefore likely to be widely acceptable to the landlords. We feel that this fact calls for acknowledgment from us to those members of the Conference who acted on behalf of the tenants, and we are pleased to see that the terms on which they believe that the majority of the tenants would be willing to purchase have at length been made known, as asked for by the Landowners' Convention, and that the Government now have in their possession ample information as to the views held by all parties in Ireland. We would gladly see advances for sale and purchase made on the most favourable possible terms. There are several points in the Report which invite criticism, and from the adoption of which we must carefully guard ourselves and those whom we represent, but we have no doubt that the whole Report will receive the serious consideration of the Government.